

REMARKS/ARGUMENTS

Claims 1-20 and 25-28 are pending in this application. By this Amendment, claim 21-24 are canceled without prejudice or disclaimer, claims 7-20 are withdrawn, claims 1-3 and 5 are amended and claims 25-29 are added. Reconsideration in view of the above amendments or the following remarks is respectfully requested.

A. The Office Action rejects claim 1-6 under 35 U.S.C. §112, second paragraph. Applicant respectfully submits that the above amendments obviate the grounds for the rejection. Withdrawal of the rejection of 1-6 under 35 U.S.C. §112 is respectfully requested.

B. The Office Action rejects claims 1-6 under 35 U.S.C. §103(a) over U.S. Patent No. 6,944,585 to Pawson. Since Pawson does not disclose or suggest features recited in the pending claims, the rejection is respectfully traversed.

The Patent Office bears the initial burden of proving a prima facie conclusion of obviousness. MPEP § 2142. The required elements of proof are: 1) a suggestion or motivation to modify or combine references, 2) a reasonable expectation of success, and 3) the references must teach or suggest all the claim limitations. MPEP § 2143.

1) Applicant respectfully submits that claim 1 is not properly rejected over Pawson because Pawson does not teach or suggest recited features of the claimed invention. For example, Pawson provides a customized content in accordance with the information of a user. That is, if the user purchases a truck, a content resolver 145 includes a commercial for an

automobile theft deterrent device in an audio-visual data stream and transmits the commercial for an automobile theft deterrent device to the user. Also, if the user is tardy on his bill, the content resolver 145 includes a reminder notice in an audio-visual data stream and transmits the reminder notice to the user. See column 5, line 47-column 6, line 4 of Pawson.

In contrast, embodiments of the present invention transmit a service unit data and advertisement contents alternately. That is, embodiments of the present invention transmit the service unit data and the advertisement contents alternately according to a predetermined rule without customizing contents according to the user's information.

2) With respect to claim 2, the Office Action appears to take Official Notice that features of storing a sequence file and inter-relating at least one of the advertisement contents to each index of the sequence file and combinations thereof as recited are known in the art at the time of the invention and it would be obvious to modify Pawson with such features to result in the claimed invention. Further, with respect to features of making the service unit data of the specific index stand by for output and combinations thereof as recited in claim 3, features of outputting the service unit data standing by for output, when an acknowledgment by a user for the outputted advertisement contents of the specific index is received and combinations thereof as recited in claim 4, and features of measuring a popularity of the digital contents by referring to a number of acknowledgments received regarding each of the plurality of advertisement contents that were outputted and combinations thereof as recited in claim 5, Applicant respectfully

submits that Pawson does not disclose or suggest such features. Accordingly, Applicant respectfully submits that for claims 3-5, Office Action takes Official Notice that such features recited in claims 3-5 and combinations thereof are known in the art at the time of the invention and it would be obvious to modify Pawson with such features to result in the claimed invention.

As required by M.P.E.P. §2144.03, Applicant respectfully requests production of a secondary reference to support such a conclusion. If the secondary reference is not available, then a rejection must be based on facts within the personal knowledge of the Examiner. If this is the case, Applicant respectfully requests an Affidavit from the Examiner with the data stated as specifically as possible, in accordance with M.P.E.P. §2144.03. If neither a secondary reference nor an Affidavit can be produced, this rejection fails to meet the prima facie case of obviousness, and withdrawal of this rejection is respectfully requested. See, Ex Parte Natale, 11 U.S.P.Q. 2d 1222 (BPAI, 1989).

3) For at least the reasons set forth above, Applicants respectfully submit that claim 1 defines patentable subject matter. Dependent claims 2-6 are allowable for at least the reasons discussed above with respect to independent claim 1, as well as for their added features. Withdrawal of the rejection of claims 1-6 under 35 U.S.C. §103 is respectfully requested.

C. By this Amendment, claims 25-28 are added and believed to be in condition for allowance. Applicant respectfully submits that claims 25-28 read on Figure 4. See at least Figure 4 and paragraph 57 to 62 of the present specification.

Serial No. **10/066,763**
Reply to Office Action of December 6, 2006

Docket No. **K-0390**

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carl R. Wesolowski**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carl R. Wesolowski
Registration No. 40,372

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK/CRW:jld/cah
Date: April 6, 2006

Please direct all correspondence to Customer Number 34610